

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22786-CMA

DINNTECO INTERNATIONAL, S.L., an
entity of Andorra la Vella,

Plaintiff,

v.

CAPITOL ELECTRONIC SALES, INC, an
Indiana corporation; EMP DEFENSE, LLC, a
Michigan limited liability company;
SEAHAWKE RIGGING INC, a Florida
corporation; RIPPING IT OUTDOORS LLC,
a Florida limited liability company; and JAY
BHARAT KOTHARI d/b/a EMP Solutions,
an individual residing in the state of Florida,

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT AND
INCORPORATED MEMORANDUM OF LAW**

Plaintiff, Dinnteco International, S.L. (“Dinnteco” or “Plaintiff”), by and through its undersigned counsel and pursuant to rule 15 (a)(2) of the Federal Rules of Civil Procedure, hereby files its unopposed motion for leave to file its First Amended Complaint, and states as follows:

1. On June 20, 2025, Plaintiff filed its Complaint asserting counts for (a) patent infringement, (b) violation of the Florida Unfair and Deceptive Trade Practices Act, and (c) common law unfair competition, against the Defendants, including Seahawke Rigging Inc. (“Seahawke Rigging”) [D.E. 1].

2. Plaintiff’s counsel has been advised by counsel for Seahawke Rigging that the company, which operates at the same address as a company called Seahawke Marine Inc. (“Seahawke Marine”), has never engaged in the purchase, offering for sale, or sale, of the products

which are the subject of the Complaint, and that the proper Defendant in this action is Seahawke Marine, not Seahawke Rigging.

3. Plaintiff therefore wishes to amend its Complaint to substitute Seahawke Marine for Seahawke Rigging as a Defendant in the present action.

4. Under Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading with the court's leave. Additionally, Rule 15(a)(2) states that the "court should freely give leave when justice so requires." The Eleventh Circuit has held that motions for leave to amend complaints should be granted liberally, when necessary, in the interest of justice. *See Jennings v. BIC Corp.*, 181 F.3d 1250, 1258 (11th Cir. 1996); *see also Foman v. Davis*, 371 U.S. 178, 182 (1962) (concluding that in the absence of undue delay, bad faith, undue prejudice, or similar reasons, a leave to amend should, as the rules require, be freely given, and an outright refusal to grant this leave without any justifying reason is abuse of discretion and consistent with the spirit of the Federal Rules).

5. In this case, an amendment of the Complaint would not cause undue delay, is not in bad faith, and would not cause undue prejudice. To the contrary, this is Plaintiff's first request to amend, this is very early in the litigation (no responsive pleadings have yet been filed by Defendants) and the parties are in the initial stages of working on their scheduling report, so no discovery has commenced. Moreover, the amendment in this case substitutes a proper party (Seahawke Marine) for a party (Seahawke Rigging) which is similarly named and operates out of the same address as the party being added to the Complaint.

WHEREFORE, Plaintiff, Dinnteco International, S.A., respectfully requests that the Court grant this motion and grant Plaintiff leave to file its proposed First Amended Complaint,

attached hereto as **Exhibit “A”**, and for such other further relief as this Court deems just and proper.

Local Rule 7.1 (a)(3) Pre-Filing Conference

Undersigned counsel certifies that he has conferred with counsel for Defendants regarding the relief requested in this motion and he can represent that the Defendants, through their defense counsel, do not oppose this motion.

Dated: July 31, 2025

/s/ Elio F. Martinez, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a true and correct copy of the foregoing document was served via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing on all counsel or parties of record on the Service List below.

/s/ Elio F. Martinez, Jr.

Elio F. Martinez, Jr.